

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

JUNE 27, 2006

Meeting was commenced at 7:02 p.m.

PRESENT:

Council Members: Chairman Steve Fairbanks, Vice Chairman Linda Martinez Saville, Bryant Anderson, Scott Cowdell, Chris McCandless, Stephen Smith and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Administrative Services Director Art Hunter; Management Analyst Becky Bracken; Senior Planner James McNulty; Sandy Chamber Director Nancy Workman; Parks & Recreation Director Nancy Shay; Senior Planner James McNulty; Planning Director George Shaw; Council Office Director Phil Glenn; Council Office Manager Naleen Wright

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Police Chief Stephen Chapman, and the Pledge was led by Senior Planner Jim McNulty.

2. **SPECIAL PRESENTATIONS:**

A. **Mike Venendaal Commendation:**

Fire Chief Don Chase, Council Chairman Steve Fairbanks and Mayor Tom Dolan jointly presented retiring fireman **Mike Venendaal** with a Resolution of Commendation for his 31 years of superior service to the City's Fire Department. Mike will be missed by the men and women he served side-by-side with, as well as for his excellent administrative skills, and for being instrumental in implementing new and innovative approaches to fire and paramedic operations.

Mr. Venendaal thanked all for the commendation. He stated that it was a tough decision for him to make, but he felt it was a good thing to do for his family. Mike remarked that he and Chief Chase had attended high school together, and they witnessed their first backdraft together at the scene of a fire. He praised the Sandy Fire Department and Chief Chase, thanking them for their great support.

A) **REI Trail Works Commendation:**

Parks & Recreation Director Nancy Shay, Council Chairman Steve Fairbanks and Mayor Tom Dolan jointly presented **REI's** representative **Gretta Easton Callfield**, a Resolution of Commendation for REI's four years of support for Sandy's trail renovation projects, with this one being conducted on National Trails Day, Saturday June 3, 2006.

3. **CITIZEN(S) COMMENTS:**

- a. **Sue Grant** 2744 Newcastle Drive (across from the Albion Middle School), apprized the Council of her discomfort with the proposed crosswalk realignment to her property from the L.D.S Seminary. She explained that while she understands that a handicapped access needs to be installed, she does not feel it makes sense to make it on her property. Mrs. Grant was afraid it would lower her property value and that she wouldn't be able to get out of her driveway safely.
- b. **Bob Haywood, Principal of the L.D.S. Seminary**, stated that he supported Sue Grant's position. He stated that this realignment was not initiated by the Church's education system. While he understands that by federal law a handicapped access must be provided, he felt compliance should occur across from the seminary and not in front of this home. He stated that there are approximately 250 seminary students who will be using this crossing twice a day, besides other students that may use it to cross to the Albion Middle

School. He stated that he was concerned about possible vandalism to Mrs. Grant's car, property and landscaping.

Council Chairman Steve Fairbanks suggested that Public Works Director **Rick Smith** meet with Mrs. Grant in the hallway to explain the City's position in this matter.

PUBLIC HEARING(S):

4. Silver Sage Rezone

Public Hearing to consider a request of Kerry Jorgensen and Marvin Hendrickson, to rezone approximately 2.43 acres (located at approximately 10883 South 700 East), from the PO "Professional Office District" to the "SD (PO/Silver Sage) District." In addition, the City Council will consider a City initiated Code Amendment to Title 15, Land Development Code involving the following: Section 15-04-02(B), "Table of Minimum Building Setbacks," and Section 15-07-02(E) "Landscaping Adjacent to Residential Districts." The proposed ordinance amendments will be City-wide, and may also affect the Silver Sage Rezone property.

DISCUSSION: Senior Planner James McNulty reviewed the proposed rezoning application, and proposed Code Amendment. He reported that Kerry Jorgensen and Marvin Hendrickson, property owners of Lots 2 thru 5 of the Silver Sage Business Park & Lot 18 Southern Charm #1 Amended, are requesting to **rezone approximately 2.43 acres from the PO "Professional Office District" to the "SD (PO/Silver Sage) District."**

The applicant(s) proposal is similar to the current PO Zone, however, there are three proposed changes. The buildings would be limited to one-story, the rear yard setback requirement would be reduced to ten feet, and the landscaping requirement adjacent to a residential zoning district would be reduced to five feet. The property is located at approximately 10883 South 700 East. The subject property is presently vacant and is located south of a Sandy City Fire Station. To the east, the parcel(s) abut a 50 foot wide Draper Irrigation Canal property, and on the south it abuts the Silver Pines Senior Apartments, with 700 East Street to the west. Across the canal property and to the east are existing single-family residences in the R-1-8 and R-1-9 Zones.

On **March 16, 2006, the Planning Commission** determined that preliminary site plan review was complete for the Silver Sage Business Park. As part of this review, the Commission forwarded a positive recommendation to the Board of Adjustment regarding proposed variances associated with the project. On **April 13, 2006, the Board of Adjustment** reviewed a request for two (2) variances associated with the property. The Board denied both requests (rear yard setback variance, and landscaping variance) at the meeting. As a result, the applicant(s) submitted a rezoning petition for your review and consideration.

The Board of Adjustment DRAFT Minutes are included as "**Exhibit A**" of these minutes.

In addition to this request, the Sandy City Community Development Department has filed a request to amend Section 15-04-02(B), Table of Minimum Building Setbacks, and Section 15-07-02(E), Landscaping Adjacent to Residential Districts. Specifically, the ordinance amendment is being requested to allow for greater setback flexibility in all commercial zoning districts. The proposed ordinance amendment would be City-wide, however, it may also affect the previously mentioned property.

The proposed rezoning would allow for the Silver Sage Business Park to be developed. However, it would create another "SD Zoning District" within the City that would solve development constraints associated with this property only. Staff is in favor of limiting "SD Zoning Districts" within the City and would prefer a different approach.

The Community Development Department has been working on a rewrite of the City Development Code for approximately one year. During this exercise, Staff have determined that reducing or limiting the number of zoning districts within the City would be of benefit to residents, developers and City Staff. It has also been determined by Staff that current commercial building setback requirements, as well as landscaping requirements adjacent to open space (e.g. canal, trail, park, etc.) may limit development in the City. Therefore, Staff have determined that the proposed ordinance amendment would be of benefit to a number of properties within the City. This would include undeveloped parcels and parcels that may be redeveloped in the future. The following includes a list of some of those properties:

- M & M Meats - east side of State Street, north of 9250 South
- BD Medical - west side of State Street, south of 9400 South
- Office Building and vacant land north - west side of 700 East, north of 7800 South
- Mac's (old Smith's store) - northeast corner of 10600 South 700 East
- Property east of Atlas Burger and north of McNeil's Auto Care - east side of 700 East, approximately 10700 South
- Property south of McNeil's Auto Care - east side of 700 East, approximately 10700 South
- Jorgensen/Hendrickson property - east side of 700 East, approximately 10900 South

The proposed ordinance amendment would not create any additional non-conforming uses within any zoning district. It is intended to provide a mechanism for City Staff to review and approve developments allowing for setback, and landscape requirement flexibility in commercial zoning districts which abut open space areas (e.g. canal, trail, park, etc.).

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed ordinance amendment is consistent with the purpose of statements #1, #4, #6 and #7. This change would enhance the economic well-being of Sandy City, allow for orderly growth and development, and also allow for fair, comprehensive, consistent and equitable regulations, as well as promote procedures that are efficient and effective in terms of time and expense.

The General Plan encourages appropriate development standards for all land uses within Sandy City. A City-wide

ordinance amendment which creates fair development standards is in compliance with the General Plan.

Staff has determined that a City-wide code amendment is a better way to approach this situation. It will allow for undeveloped properties, as well as future redevelopment to benefit from the same regulations within the Development Code. Creating an "SD Zoning District" will only provide a development solution for one (1) development site.

STAFF RECOMMENDATION CONCERNING THE PROPOSED REZONE:

Staff recommends that the rezoning petition for the subject property be **denied** based upon the following findings:

1. Creating another "SD Zoning District" does not benefit Sandy City.
2. Creating an "SD Zoning District" only provides a solution for one (1) development site.
3. A City-wide ordinance amendment will allow for a better development solution.
4. A City-wide ordinance amendment will provide consistent regulations for undeveloped properties, as well as future redevelopment projects.

STAFF RECOMMENDATION CONCERNING THE PROPOSED CODE AMENDMENT:

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "B", for the following reasons:

- a. The proposed ordinance amendment is consistent with the Purpose of the Land Development Code.
- b. The proposed ordinance amendment does not conflict with the Goals and Policies of the General Plan.
- c. The proposed ordinance amendment will provide greater flexibility during the site plan review process for commercial buildings which abut open space areas (e.g. canal, trail, park, etc.).

Mr. McNulty reported that he received a phone call from **Elaine Workman**. She was unable to attend this evening's meeting and wanted the Council to know she was not in favor of the project as proposed. An e-mail was received from **April Saunders**, who stated that she felt the professional office project would benefit the community.

Developer Presentation:

Developer **Kerry Jorgensen** reported that he would like to hold-off on the proposed rezoning of this property, until the proposed code amendment is adopted. He stated that he supports the code amendment. Mr. Jorgenson noted that the canal that runs in the rear of their property has a 50 foot wide corridor. Because of this, he felt the landscape buffer should be put behind the buildings and not up against this already 50 foot buffer.

The public hearing was opened.

- a. **Jan Harding**, Berrywood Court, reported that 20 neighbors met last week to discuss the proposed development. They were pleased that the developer is only proposing a one-story building. She gave a letter to Phil Glenn that stated that these 20 neighbors support the project. It will be less of a fire hazard (weeds), fewer allergens and it will beautify the neighborhood.
- b. **Kim Shaleena**, Berrywood Court, stated that her home faces directly into the property. She would like to see something clean and presentable.
- c. **Mark Scott**, Savannah Drive, stated that he felt the public hearing notice did not meet the intent of Utah State Law for a public hearing. He indicated that State Code requires that a public hearing notice must be mailed 3 days prior to a public hearing. For his part, he stated that he received a hand-delivered notice, delivered by Mr. McNulty yesterday afternoon. He felt the Council should consider whether it was proper to proceed at this point.

City Attorney Walter Miller reported that **Jim McNulty** met with **Deputy City Attorney Kathy Jeffery**. She advised Mr. McNulty that Utah State Law allows such notices to be hand-delivered with just 24 hour notice.

Mr. Miller noted that such notices are published in the newspaper, the post office and other public buildings.

Planning Director George Shaw commented that under the new LUDMA (Land Use Development Management Act) law, you are not required to notice hearings held before the City Council. Sandy City continues to give public notice as a courtesy. He urged the Council to proceed, as the hearing was noticed correctly and is legal.

Scott Cowdell stated that he would not be opposed to delaying the hearing, and asked if the City hand-delivered such notices very often.

George Shaw stated that even when we give a week's notice, people often complain that they did not receive notification. We have hand-delivered before, when we felt it was appropriate.

Chris McCandless clarified that both the proposed rezoning and the code amendment were advertised in the newspaper.

Steve Fairbanks further clarified that the newspaper publication occurred on June 12, 2006

Dennis Tenney suggested that the public hearing be opened for comments, and that it could then be continued to a date certain.

Mr. Scott stated that he is a real estate appraiser by profession, as well as a developer. He felt the Council should consider the impact of the proposed code amendment on "other properties" located within the City which may also be affected by a zone change designed with only this development in mind. Mr. Scott noted that the proposed buildings would be located only 10 feet from the trail system, and they could impact that use. The City has spent a considerable amount of money on its trail system and open space, and establishing this precedent would not be wise. Mr. Scott urged the Council to deny both the rezoning and the proposed code amendment.

d. **Brad McDonald**, 10966 South 10th East, stated that he is the former owner of this property. He stated that it was an extremely narrow piece of property that would be hard to develop. Mr. McDonald stated that he supported the use of the SD (Special Development) criteria of the proposed rezoning for this parcel.

e. **Merilee Scott**, wife of Mark Scott who's comments were already given, stated that she had approached the Governor's office concerning the law in this case. She was advised that a code amendment is not usually "piggy-backed" onto a rezoning. She felt the neighbors needed more time to prepare.

Phil Glenn advised the Council that they have open dates on their calendar for either July 18, or August 8th.

advised the Council that they should schedule the continuance of this public hearing to the earliest date, if at all possible.

Council Discussion:

MOTION: **Dennis Tenney made the motion to continue this public hearing to July 18, 2006, at 7:05 p.m.**

SECOND: **Linda Martinez Saville**

Question on the motion:

Stephen Smith asked if the Developer was comfortable with the public hearing being continued to July 18,

2006.

Kerry Jorgenson indicated that he may have a conflict in July, but someone else will attend the hearing in his stead.

VOTE: Tenney- Yes, Saville- Yes, Smith- Yes, McCandless- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED
7 in favor

COUNCIL ITEMS:

6. Flynn Rezoning (PH 6/13/06)

Ordinance #06-20 - rezoning approximately 2.35 acres, located on the north side of Dimple Dell Road at approximately 1713 Dimple Dell Road, from SD (The Gardens) "Special Development District" to the R-1-20A "Residential District".

MOTION: Stephen Smith made the motion to adopt Ordinance #06-20 - rezoning approximately 2.35 acres, located on the north side of Dimple Dell Road at approximately 1713 Dimple Dell Road, from SD (The Gardens) "Special Development District" to the R-1-20A "Residential District".

SECOND: Dennis Tenney

VOTE: Smith- Yes, Tenney- Yes, McCandless- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED
7 in favor

7. Canceling the 7/4/06 City Council Meeting - Holiday

Resolution #06-49 C - canceling the July 4, 2006 City Council Meeting.

MOTION: Bryant Anderson made the motion to adopt Resolution #06-49 C - canceling the July 4, 2006 City Council Meeting, because of the holiday.

SECOND: Dennis Tenney

VOTE: Anderson- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes
Saville- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED
7 in favor

8. Interlocal Agreement: UDOT/Sandy City (Inlet Grates 700 E. Widening)

Resolution #06-43 C - authorizing the execution of an Interlocal Cooperation Agreement between UDOT and Sandy City for upgrades on the inlet grates used in the construction of the UDOT roadway widening on 700 East from Carnation to 9400 South.

MOTION: Stephen Smith made the motion to adopt Resolution #06-43 C - authorizing the execution of an Interlocal Cooperation Agreement between UDOT and Sandy City for upgrades on the inlet grates used in the construction of the UDOT roadway widening on 700 East from Carnation to 9400 South.

SECOND: Dennis Tenney

VOTE: Smith- Yes, Tenney- Yes, McCandless- Yes
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED
7 in favor

9. Appointing Council Chairman and Vice Chairman

Resolution #06-50 C - appointing a Council Chairman and Vice Chairman to serve a term beginning

July 1, 2006 and ending December 31, 2006.

MOTION: Dennis Tenney made the motion to adopt Resolution #06-50 C - appointing Linda Martinez Saville to serve as Council Chairwoman and Dennis Tenney to serve as Vice Chairman, with terms beginning July 1, 2006 and ending December 31, 2006.

SECOND: Chris McCandless

VOTE: Tenney- Yes, McCandless- Yes, Smith- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED

7 in favor

10. Appointing Council Members to Serve on Various Citizen Committees

Resolution #06-51 C - appointing Council Members to serve on various Citizen Committees, Boards, and Commissions.

MOTION: Chris McCandless made the motion to adopt Resolution #51 C - appointing Council Members to serve on various Citizen Committees, Boards, and Commissions as follows:

- | | |
|---|--|
| 1. The Orchestra & Chorus of Sandy City | B. Anderson |
| 2. Arts Guild | B. Anderson |
| 3. Association of City Councils | D. Tenney |
| 4. Auto Mall Review Committee | D. Tenney |
| 5. Beautification | L. Saville |
| 6. Board of Adjustment | L. Saville |
| 7. CDBG Committee | S. Cowdell |
| 8. Chamber of Commerce Board | C. McCandless, S. Fairbanks |
| 9. Civic Center Architectural Cmte. | S. Smith, C. McCandless |
| 10. Community Response Team | S. Cowdell |
| 11. Dimple Dell Advisory Board | *County Appointment |
| 12. Healthy Sandy Steering Committee | S. Fairbanks, L.Saville, S. Smith |
| 13. Historic Committee | S. Cowdell |
| 14. Planning Commission Liaison | S. Smith |
| 15. Public Safety Committee | S. Fairbanks |
| 16. Public Safety Review Board | C. McCandless |
| 17. Public Utilities Advisory Board | C. McCandless, S. Fairbanks |
| 18. Parks Recreation & Trails | L. Saville, C.McCandless |
| 19. Sandy City Employees' Association | S. Cowdell |
| 20. Sandy Pride Committee | B. Anderson, S.Smith, L.Saville |
| 21. Sandy Club | S. Cowdell, S. Fairbanks, C.McCandless |
| 22. Transportation Committee | C.McCandless, S.Fairbanks |
| 23. ULCT Legislative Policy | B. Anderson, D. Tenney, C.McCandless |
| 24. SLCOG Representative | B. Anderson |
| 25. Senior Center Advisory Council | S. Cowdell |

SECOND: Dennis Tenney

VOTE: McCandless- Yes, Tenney- Yes, Smith- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED

7 in favor

11. Funds Transfer: Underground Power Lines (\$395,500)

Resolution #06-52 C - amending the adoption of the Sandy City Capital Projects Funds Budget for the Fiscal Year commencing July 1, 2006, and ending June 30, 2007.

MOTION: Dennis Tenney made the motion to adopt Resolution #06-52 C - amending the adoption of the Sandy City Capital Projects Funds Budget for the Fiscal Year commencing July 1, 2006,

and ending June 30, 2007.

SECOND: Linda Martinez Saville

VOTE: Tenney- Yes, Saville- Yes, Smith- Yes, McCandless- Yes,
Anderson- Yes, Cowdell- Yes, Fairbanks- Yes

MOTION PASSED

7 in favor

12. **Funds Transfer: Golf Course Land Purchase (\$838,000)**
Resolution #06-53 C - transferring funds within the Capital Projects Fund.

MOTION: Chris McCandless made the motion to adopt Resolution #06-53 C - transferring funds within the Capital Projects Fund.

SECOND: Dennis Tenney

VOTE: McCandless- Yes, Tenney- Yes, Smith- Yes, McCandless- Yes,
Saville- Yes, Anderson- Yes, Cowdell- Yes, Fairbanks- Yes,

MOTION PASSED

7 in favor

MINUTES:

13. **Approving the May 30, 2006, and the June 6, 2006, City Council Meeting Minutes.**

MOTION: Stephen Smith made the motion to adopt both the May 30, 2006, and the June 6, 2006, City Council Meeting Minutes as submitted.

SECOND: Chris McCandless

VOTE: The Council voted verbally and unanimously in the affirmative.

MOTION PASSED

All in favor

14. **MAYOR'S REPORT:**
a. Provided during Planning Meeting.

14. **CAO'S REPORT:**
a. Provided during Planning Meeting.

15. **COUNCIL OFFICE DIRECTOR'S REPORT:**
a. **Phil Glenn** provided the Council with their weekly calendar. He reminded them to meet in the parking lot near Mervyns by 5:00 p.m., as this is the staging point for the 4th of July Parade. Banners showing the names of the City Council will be hung on both sides of the fire engine. Mr. Glenn indicated that he would also need a count of how many of the Council will be participating in the Days of '47 Horse Parade.

b. **Mr. Glenn** reported that Pam Lehman had suffered an accident that resulted in breaks of her tibia and the fibula in her lower leg. Her recovery time will be a minimum of 6-8 weeks. Naleen Wright will be having surgery on both feet and will be out of the office for 2-3 weeks. Mr. Glenn indicated that he would be covering the office alone for the next three weeks, but that he would be taking vacation on this Thursday and Friday, as his son, daughter-in-law and grandchildren, would be flying into town from Florida. He stated that he could always be reached on his cell phone. Secretaries for the Administration have also offered to answer phones when necessary.

16. **OTHER COUNCIL BUSINESS:**
a. None

At approximately 8:20 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Stephen Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

**Steve Fairbanks
Council Chairman**

**Naleen Wright
Council Office Manager**

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